LAW OF THE SEA
BULLETIN

No. 15

May 1990

OFFICE FOR OCEAN AFFAIRS AND THE LAW OF THE SEA

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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Table of signatures and ratifications as of 3 May 1990

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE a/	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania			
Algeria * b/	x	x	
Angola *	x	x	
Antigua and Barbuda		7/2/83	2/2/89
Argentina *		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	30/5/85
Bangladesh	x	x	
Barbados	x	x	
Belgium *	x	5/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	
Bhutan	x	x	
Bolivia *		27/11/84	
Botswana	x	5/12/84	2/5/90
Brazil * ** c/	x	x	22/12/88
Brunei Darussalam d/		5/12/84	
Bulgaria	x	x	
Burkina Faso	x	x	
Burundi	x	x	
Byelorussian SSR *	x	x	
Cambodia e/		1/7/83	
Cameroon	x	x	19/11/85
Canada	x	x	
Cape Verde * **	x	x	10/8/87
Central African Republic		4/12/84	
Chad	x	x	
Chile *	x	x	
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Costa Rica *	x	x	
Côte d'Ivoire	x	x	26/3/84
Cuba * **	x	x	15/8/84
Cyprus	x	x	12/12/88
Czechoslovakia	x	x	
Democratic People's Rep. of Korea	x	x	
Democratic Yemen **	x	x	21/7/87
Denmark	x	x	
Djibouti	x	x	
Dominica		28/3/83	
Dominican Republic	x	x	
Ecuador	x		
Egypt **	x	x	26/8/83
El Salvador		5/12/84	
Equatorial Guinea	x	30/1/84	
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland *	x	x	
France *	x	x	
Gabon	x	x	
Gambia	x	x	22/5/84
German Democratic Republic *	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83
Greece *	x	x	
Grenada	x	x	
Guatemala		8/7/83	
Guinea *		4/10/84	6/9/85
Guinea-Bissau **	x	x	25/8/86
Guyana	x	x	
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	
Iceland **	x	x	21/6/85

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
India	x	x	
Indonesia	x	x	3/2/86
Iran (Islamic Republic of) *	x	x	
Iraq *	x	x	30/7/85
Ireland	x	x	
Israel	x		
Italy *	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	
Jordan	x		
Kenya	x	x	2/3/89
Kiribati			
Kuwait **	x	x	2/5/86
Lao People's Democratic Republic	x	x	
Lebanon		7/12/84	
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
Luxembourg *	x	5/12/84	
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	
Mali *		19/10/83	16/7/85
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
Monaco	x	x	
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Myanmar f/	x	x	
Namibia g/	x	x	18/4/83

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Nauru	x	x	
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua *		9/12/84	
Niger	x	x	
Nigeria	x	x	14/8/86
Norway	x	x	
Oman * **	x	1/7/83	17/8/89
Pakistan	x	x	
Panama	x	x	
Papua New Guinea	x	x	
Paraguay	x	x	26/9/86
Peru	x		
Philippines * **	x	x	8/5/84
Poland	x	x	
Portugal	x	x	
Qatar *		27/11/84	
Republic of Korea	x	14/3/83	
Romania *	x	x	
Rwanda	x	x	
Saint Kitts and Nevis h/		7/12/84	
Saint Lucia	x	x	27/3/85
St. Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			
Sao Tome and Principe *		13/7/83	3/11/87
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	
Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	24/7/89
South Africa *		5/12/84	

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Spain *	x	4/12/84	
Sri Lanka	x	x	
Sudan *	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden *	x	x	
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			
Trinidad and Tobago	x	x	25/4/86
Tunisia **	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	
Ukrainian SSR *	x	x	
Union of Soviet Socialist Republics *	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania **	x	x	30/9/85
United States of America	x		
Uruguay *	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
Yemen *	x	x	
Yugoslavia **	x	x	5/5/86
Zaire	x	22/8/83	17/2/89
Zambia	x	x	7/3/83
Zimbabwe	x	x	
TOTAL STATES	141	156	43

OTHERS (Art. 305 (1) (c),(d),(e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community *	x	7/12/84	
Niue		5/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL STATES AND OTHERS	144	159	43

OTHER ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

African National Congress
Netherlands Antilles
Palestine Liberation Organization i/
Pan Africanist Congress of Azania
South West Africa People's Organization

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a/ Those States which signed the Final Act and/or the Convention on 10 December 1982 are indicated by an "x". Those which signed at a later date are indicated by that date.

b/ Those States which made declarations at the time of signature of the Convention are indicated by an asterisk (*).

c/ Those States which made declarations at the time of ratification of the Convention are indicated by a double asterisk (**).

d/ Became a Member of the United Nations on 18 September 1984.

e/ The name of Democratic Kampuchea was officially changed to "Cambodia" as of 3 February 1990.

f/ The name of Burma was officially changed to "Myanmar" as of 18 June 1989.

g/ Namibia became an independent State as of 21 March 1990 and the 160th State Member of the United Nations as of 23 April 1990. The instrument of ratification was deposited by the United Nations Council of Namibia on behalf of Namibia on 18 April 1983.

h/ Became a Member of the United Nations on 23 September 1983. Formerly Saint Christopher and Nevis.

i/ In accordance with General Assembly resolution 43/177 of 15 December 1988, as of that date, the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization".

B. Chronological order of ratifications of the Convention, giving ratifying State's regional group

	Date	State	Regional group
1.	10 December 1982	Fiji	Asian
2.	7 March 1983	Zambia	African
3.	18 March 1983	Mexico	Latin Am./Carib.
4.	21 March 1983	Jamaica	Latin Am./Carib.
5.	18 April 1983	Namibia	African
6.	7 June 1983	Ghana	African
7.	29 July 1983	Bahamas	Latin Am./Carib.
8.	13 August 1983	Belize	Latin Am./Carib.
9.	26 August 1983	Egypt	African
10.	26 March 1984	Côte d'Ivoire	African
11.	8 May 1984	Philippines	Asian
12.	22 May 1984	Gambia	African
13.	15 August 1984	Cuba	Latin Am./Carib.
14.	25 October 1984	Senegal	African
15.	23 January 1985	Sudan	African
16.	27 March 1985	Saint Lucia	Latin Am./Carib.
17.	16 April 1985	Togo	African
18.	24 April 1985	Tunisia	African
19.	30 May 1985	Bahrain	Asian
20.	21 June 1985	Iceland	Western European and Other States
21.	16 July 1985	Mali	African
22.	30 July 1985	Iraq	Asian
23.	6 September 1985	Guinea	African
24.	30 September 1985	United Rep. of Tanzania	African
25.	19 November 1985	Cameroon	African
26.	3 February 1986	Indonesia	Asian
27.	25 April 1986	Trinidad and Tobago	Latin Am./Carib.
28.	2 May 1986	Kuwait	Asian
29.	5 May 1986	Yugoslavia	Eastern European
30.	14 August 1986	Nigeria	African
31.	25 August 1986	Guinea-Bissau	African
32.	26 September 1986	Paraguay	Latin Am./Carib.
33.	21 July 1987	Democratic Yemen	Asian
34.	10 August 1987	Cape Verde	African
35.	3 November 1987	Sao Tome and Principe	African
36.	12 December 1988	Cyprus	Asian
37.	22 December 1988	Brazil	Latin Am./Carib.
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39.	17 February 1989	Zaire	African
40.	2 March 1989	Kenya	African
41.	24 July 1989	Somalia	African
42.	17 August 1989	Oman	Asian
43.	2 May 1990	Botswana	African

43 ratifications deposited with the Secretary-General

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Protest from States

Protest from the United States of America 1/

The United States refers to the army command announcement, of August 1, 1977, issued by the Democratic People's Republic of Korea, which purports to establish a 50-nautical-mile military maritime boundary, measured from a claimed straight baseline from which the territorial sea is drawn in the sea of Japan (East Sea), and a military maritime boundary coincident with the claimed exclusive economic zone limit in the Yellow sea (West Sea).

The Government of the United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the maximum breadth of the territorial sea is twelve nautical miles measured from properly drawn baselines.

The Government of the United States wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention of the Law of the Sea, unless exceptional circumstances exist, baselines are to conform to the low-water line along the coast as marked on a State's official large-scale charts. Straight baselines may only be employed in localities where the coastline is deeply indented and cut into, or where there is a fringe of islands along the immediate vicinity of the coast. However, the coastline of the Democratic People's Republic of Korea in the sea of Japan (East Sea) is neither deeply cut into, nor fringed with many islands.

The Government of the United States wishes further to recall that customary international law, as reflected in the 1982 United Nations Convention of the Law of the Sea, does not recognize the right of coastal States to assert powers or rights for security purposes in peacetime which would restrict the exercise of the high seas freedoms of navigation and overflight beyond the territorial sea. The Government of the United States acknowledges that, in 1953, the Supreme Commander of the Korean People's Army signed an armistice agreement which is still in effect. The military boundary, however, was not promulgated until 1977, twenty-three years following the armistice, and therefore the armistice agreement cannot be deemed to justify the security zones. In that connection, the United States notes that the United Nations command has told the Korean People's Army that the armistice agreement has no provision for either side to unilaterally extend its rights or privileges into international waters.

1/ Communicated by the United States Mission to the United Nations in a note dated 4 January 1990.

The Government of the United States therefore objects to the claims made by the Government of the Democratic People's Republic of Korea contained in the Army Command Announcement of August 1, 1977, which is inconsistent with international law, and reserves its rights and those of its nationals in this regard.

The objection in this note is made without prejudice to the legal position of the Government of the United States of America which has not recognized the Government of the Democratic People's Republic of Korea.

The Government of the United States wishes to assure the Government of the Democratic People's Republic of Korea that its objection to these claims should not be viewed as singling out the Democratic People's Republic of Korea for criticism, but is part of its worldwide effort to preserve the internationally recognized rights and freedoms of the international community in navigation and overflight and other related high seas uses, and is only one of a number of protests of those claims by coastal States which are not consistent with customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea.

B. United Nations General Assembly resolutions of interest

1. General Assembly resolution 44/26 of 20 November 1989

Law of the sea 1/

The General Assembly,

Recalling its resolutions 37/66 of 3 December 1982, 38/59 A of 14 December 1983, 39/73 of 13 December 1984, 40/63 of 10 December 1985, 41/34 of 5 November 1986, 42/20 of 18 November 1987 and 43/18 of 1 November 1988, regarding the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 2/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

Recalling that the Convention provides the régime to be applied to the Area and its resources,

Welcoming the expressions of willingness to explore all possibilities of addressing issues, as referred to in the statements made at the end of the meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, held in New York from 14 August to 1 September 1989,* in order to secure universal participation in the Convention,

Recognizing the need for co-operation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

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* For the texts of the statements, see section III (pp. 54-62) of the present Bulletin.

1/ Document A/RES/44/26.

2/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

3/ Ibid., document A/CONF.62/121, annex I.

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration in 1987 as pioneer investors of the Institut français de recherche pour l'exploitation de la mer (IFREMER), the Government of India, Deep Ocean Resources Development Co., Ltd. (DORD) and Yuzhmorgeologiya, whose applications were submitted by the Governments of France, India, Japan and the Union of Soviet Socialist Republics respectively, bearing in mind that such registration entails both rights and obligations,

Noting also with satisfaction the designation by the Preparatory Commission of reserved areas for the Authority from the application areas submitted by the pioneer investors pursuant to resolution II,

Noting that the Preparatory Commission has decided to hold its eighth regular session at Kingston from 5 to 30 March 1990 and to hold a summer meeting in New York in 1990, 4/

Noting also the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal régime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations to enable developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Noting with appreciation the important initiative of the Secretary-General in convening inter-agency consultations on international and regional developments in ocean affairs and the law of the sea, 5/

Deeply concerned at the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices that can have an adverse impact on the conservation and management of marine resources,

Taking special note of the report of the Secretary-General on the protection and preservation of the marine environment prepared in pursuance of paragraph 15 of General Assembly resolution 43/18, 6/

4/ A/44/650, para. 118.

5/ Ibid., para. 206.

6/ A/44/461 and Corr.1.

Conscious of the urgent need to increase the scientific knowledge of the marine environment,

Taking note of activities carried out in 1989 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989, in accordance with the report of the Secretary-General, 7/ as approved in General Assembly resolution 38/59 A, and the report of the Secretary-General, 8/

Recalling its approval of the financing of the expenses of the Preparatory Commission from the regular budget of the United Nations,

Taking special note of the report of the Secretary-General prepared in pursuance of paragraph 14 of General Assembly resolution 43/18, 8/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and forty-two of the sixty ratifications or accessions required for entry into force of the Convention;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal régime for the uses of the sea and its resources;

5. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

6. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

7. Notes the progress being made by the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

8. Reiterates its conviction that the early, satisfactory and successful conclusion of the current consultations in the Preparatory Commission on the implementation of the obligations of the registered pioneer investors and the certifying States would constitute an important contribution to the overall progress in the work of the Commission;

7/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

8/ A/44/650.

9. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs set forth in chapter 25 of the medium-term plan for the period 1984-1989 and requests him to take into account the prospective entry into force of the Convention and the increased needs of States for assistance in the implementation of the Convention in the medium-term plan for the period 1992-1997;

10. Also expresses its appreciation for the report of the Secretary-General prepared in pursuance of paragraph 14 of General Assembly resolution 43/18 8/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal régime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

11. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to co-operate and lend assistance in these endeavours;

12. Requests the competent international organizations, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal régime established by the Convention and to examine means of strengthening co-operation among themselves and with donor States in the provision of such assistance;

13. Requests the Secretary-General to present to the General Assembly at its forty-fifth and forty-sixth sessions a report identifying the needs of States in regard to the development and management of ocean resources and the measures currently taken by States and by the competent international organizations in responding to those needs, and to suggest methods and mechanisms for maximizing opportunities for the early realization for all States, during the decade beginning in 1990, of the benefits of the comprehensive legal régime established by the Convention;

14. Approves the decision of the Preparatory Commission to hold its eighth regular session at Kingston from 5 to 30 March 1990 and to hold a summer meeting in New York in 1990;

15. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

16. Expresses its appreciation to the Secretary-General for his report on the protection and preservation of the marine environment 6/ and requests him to make the report available to the intergovernmental meetings to be held in preparation of the proposed 1992 United Nations conference on environment and development;

17. Requests the Secretary-General to prepare an updated and expanded report on the protection and preservation of the marine environment as a contribution to the proposed 1992 conference, taking into account, inter alia, the comments thereon;

18. Calls upon States and other members of the international community to strengthen their co-operation in the conservation of marine living resources, including the prevention of the use of fishing methods and practices that can have an adverse impact on the conservation and management of marine living resources;

19. Also requests the Secretary-General to prepare for the General Assembly at its forty-fifth session a study on marine scientific research in the light of the provisions of the United Nations Convention on the Law of the Sea;

20. Further requests the Secretary-General to report to the General Assembly at its forty-fifth session on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

21. Decides to include in the provisional agenda of its forty-fifth session the item entitled "Law of the sea".

2. General Assembly resolution 44/225 of 22 December 1989

Large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas 1/

The General Assembly,

Noting that many countries are disturbed by the increase in the use of large-scale pelagic driftnets, which can reach or exceed 30 miles (48 kilometres) in total length, to catch living marine resources on the high seas of the world's oceans and seas,

Mindful that large-scale pelagic driftnet fishing, a method of fishing with a net or a combination of nets intended to be held in a more or less vertical position by floats and weights, the purpose of which is to enmesh fish by drifting on the surface of or in the water, can be a highly indiscriminate and wasteful fishing method that is widely considered to threaten the effective conservation of living marine resources, such as highly migratory and anadromous species of fish, birds and marine mammals,

Drawing attention to the fact that the present resolution does not address the question of small-scale driftnet fishing traditionally conducted in coastal waters, especially by developing countries, which provides an important contribution to their subsistence and economic development,

Expressing concern that, in addition to targeted species of fish, non-targeted fish, marine mammals, seabirds and other living marine resources of the world's oceans and seas can become entangled in large-scale pelagic driftnets, either in those in active use or in those that are lost or discarded, and as a result of such entanglement are often either injured or killed,

Recognizing that more than one thousand fishing vessels use large-scale pelagic driftnets in the Pacific, Atlantic and Indian Oceans, and in other areas of the high seas,

Recognizing also that any regulatory measures to be taken for the conservation and management of living marine resources should take account of the best available scientific data and analysis,

Recalling the relevant principles elaborated in the United Nations Convention on the Law of the Sea,

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1/ Document A/RES/44/225.

Affirming that, in accordance with the relevant articles of the Convention, all members of the international community have a duty to co-operate globally and regionally in the conservation and management of living resources on the high seas, and a duty to take, or to co-operate with others in taking, such measures for their nationals as may be necessary for the conservation of those resources,

Recalling that, in accordance with the relevant articles of the Convention, it is the responsibility of all members of the international community to ensure the conservation and management of living marine resources and the protection and preservation of the living marine environment within their exclusive economic zones,

Noting the serious concern, particularly of coastal States and States with fishing interests, that the overexploitation of living marine resources of the high seas adjacent to the exclusive economic zones of coastal States is likely to have an adverse impact on the same resources within such zones, and noting also, in this regard, the responsibility for co-operation in accordance with the relevant articles of the Convention,

Noting further that the countries of the South Pacific Forum and the South Pacific Commission, in recognition of the importance of living marine resources to the people of the South Pacific region, have called for a cessation of such fishing in the South Pacific and the implementation of effective management programmes,

Taking note of the adoption of the Tarawa Declaration on this subject by the Twentieth South Pacific Forum at Tarawa, Kiribati, on 11 July 1989 and the adoption by South Pacific States and territories of the Convention on the Prohibition of Driftnet Fishing in the South Pacific, at Wellington on 24 November 1989, 1/

Noting that some members of the international community have entered into co-operative enforcement and monitoring programmes for the immediate evaluation of the impact of large-scale pelagic driftnet fishing,

Recognizing that some members of the international community have taken steps to reduce their driftnet operations in some regions in response to regional concerns,

1. Calls upon all members of the international community, particularly those with fishing interests, to strengthen their co-operation in the conservation and management of living marine resources;

2. Calls upon all those involved in large-scale pelagic driftnet fishing to co-operate fully with the international community, and especially with coastal States and the relevant international and regional organizations, in the enhanced collection and sharing of statistically sound scientific data in order to continue to assess the impact of such fishing methods and to secure conservation of the world's living marine resources;

1/ For the texts of the Tarawa Declaration and the Wellington Convention, see Bulletin No. 14.

3. Recommends that all interested members of the international community, particularly within regional organizations, continue to consider and, by 30 June 1991, review the best available scientific data on the impact of large-scale pelagic driftnet fishing and agree upon further co-operative regulation and monitoring measures, as needed;

4. Also recommends that all members of the international community, bearing in mind the special role of regional organizations and regional and bilateral co-operation in the conservation and management of living marine resources as reflected in the relevant articles of the United Nations Convention on the Law of the Sea, agree to the following measures:

(a) Moratoria should be imposed on all large-scale pelagic driftnet fishing by 30 June 1992, with the understanding that such a measure will not be imposed in a region or, if implemented, can be lifted, should effective conservation and management measures be taken based upon statistically sound analysis to be jointly made by concerned parties of the international community with an interest in the fishery resources of the region, to prevent unacceptable impact of such fishing practices on that region and to ensure the conservation of the living marine resources of that region;

(b) Immediate action should be taken to reduce progressively large-scale pelagic driftnet fishing activities in the South Pacific region with a view to the cessation of such activities by 1 July 1991, as an interim measure, until appropriate conservation and management arrangements for South Pacific albacore tuna resources are entered into by the parties concerned;

(c) Further expansion of large-scale pelagic driftnet fishing on the high seas of the North Pacific and all the other high seas outside the Pacific Ocean should cease immediately, with the understanding that this measure will be reviewed subject to the conditions in paragraph 4 (a) of the present resolution;

5. Encourages those coastal countries which have exclusive economic zones adjacent to the high seas to take appropriate measures and to co-operate in the collection and submission of scientific information on driftnet fishing in their own exclusive economic zones, taking into account the measures taken for the conservation of living marine resources of the high seas;

6. Requests specialized agencies, particularly the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, as well as the various regional and subregional fisheries organizations, urgently to study large-scale pelagic driftnet fishing and its impact on living marine resources and to report their views to the Secretary-General;

7. Requests the Secretary-General to bring the present resolution to the attention of all members of the international community, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council, and well-established scientific institutions with expertise in relation to living marine resources;

8. Requests the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the implementation of the present resolution.

3. General Assembly resolution 44/228 of 22 December 1989

United Nations Conference on Environment and Development 1/

The General Assembly,

Recalling its resolution 43/196 of 20 December 1988 on a United Nations conference on environment and development,

Taking note of decision 15/3 of 25 May 1989 of the Governing Council of the United Nations Environment Programme 2/ on a United Nations conference on environment and development,

Taking note also of Economic and Social Council resolution 1989/87 of 26 July 1989 on the convening of a United Nations conference on environment and development,

Taking note further of Economic and Social Council resolution 1989/101 of 27 July 1989 on strengthening international co-operation on environment through the provision of additional financial resources to developing countries,

Recalling its resolutions 42/186 of 11 December 1987 on the Environmental Perspective to the Year 2000 and Beyond and 42/187 of 11 December 1987 on the report of the World Commission on Environment and Development, 3/

Taking note of the report of the Secretary-General on the question of the convening of a United Nations conference on environment and development, 4/

Mindful of the views expressed by Governments in the debate held at its forty-fourth session on the convening of a United Nations conference on environment and development,

Recalling the Declaration of the United Nations Conference on the Human Environment, 5/

1/ Document A/RES/44/228.

2/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25 (A/44/25), annex I.

3/ See A/42/427, annex.

4/ A/44/256-E/1989/66 and Corr.1 and Add.1 and 2.

5/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 and corrigendum (United Nations publication, Sales No. E.73.II.A.14), chap. I.

Deeply concerned by the continuing deterioration of the state of the environment and the serious degradation of the global life-support systems, as well as by trends that, if allowed to continue, could disrupt the global ecological balance, jeopardize the life-sustaining qualities of the Earth and lead to an ecological catastrophe, and recognizing that decisive, urgent and global action is vital to protecting the ecological balance of the Earth,

Recognizing the importance for all countries of the protection and enhancement of the environment,

Recognizing also that the global character of environmental problems, including climate change, depletion of the ozone layer, transboundary air and water pollution, the contamination of the oceans and seas and degradation of land resources, including drought and desertification, necessitates action at all levels, including the global, regional and national levels, and the commitment and participation of all countries,

Gravely concerned that the major cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in industrialized countries,

Stressing that poverty and environmental degradation are closely interrelated and that environmental protection in developing countries must, in this context, be viewed as an integral part of the development process and cannot be considered in isolation from it,

Recognizing that measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in global patterns of production and consumption,

Affirming that the responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective capabilities and responsibilities,

Recognizing the environmental impact of material remnants of war and the need for further international co-operation for their removal,

Stressing the importance for all countries of taking effective measures for the protection, restoration and enhancement of the environment in accordance, inter alia, with their respective capabilities, while at the same time acknowledging the efforts being made in all countries in this regard, including international co-operation between developed and developing countries,

Stressing the need for effective international co-operation in the areas of research, development and application of environmentally sound technologies,

Conscious of the crucial role of science and technology in the field of environmental protection and of the need of developing countries, in particular, for favourable access to environmentally sound technologies, processes, equipment and related research and expertise through international co-operation designed to further global efforts for environmental protection, including the use of innovative and effective means,

Recognizing that new and additional financial resources will have to be channelled to developing countries in order to ensure their full participation in global efforts for environmental protection,

I

1. Decides to convene a United Nations Conference on Environment and Development, which shall be of two weeks' duration and shall have the highest possible level of participation, to coincide with World Environment Day, on 5 June 1992;

2. Accepts with deep appreciation the generous offer of the Government of Brazil to act as host to the Conference;

3. Affirms that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries;

4. Affirms also that the protection and enhancement of the environment are major issues that affect the well-being of peoples and economic development throughout the world;

5. Affirms further that the promotion of economic growth in developing countries is essential to address problems of environmental degradation;

6. Affirms the importance of a supportive international economic climate conducive to sustained economic growth and development in all countries for the protection and sound management of the environment;

7. Reaffirms that, in accordance with the Charter of the United Nations and the applicable principles of international law, States have the sovereign right to exploit their own resources pursuant to their environmental policies, and also reaffirms their responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction and to play their due role in preserving and protecting the global and regional environment in accordance with their capacities and specific responsibilities;

8. Affirms the responsibility of States, in accordance with national legislation and applicable international law, for the damage to the environment and natural resources caused by activities within their jurisdiction or control through transboundary interference;

9. Notes that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizes that those countries have the main responsibility for combating such pollution;

10. Stresses that large industrial enterprises, including transnational corporations, are frequently the repositories of scarce technical skills for the preservation and enhancement of the environment, that they conduct activities in sectors that have an impact on the environment and, to that extent, have specific responsibilities and that, in this context, efforts need to be encouraged and mobilized to protect and enhance the environment in all countries;

11. Reaffirms that the serious external indebtedness of developing countries and other countries with serious debt-servicing problems has to be addressed in an efficient and urgent manner in order to enable those countries to contribute fully and in accordance with their capacities and responsibilities to global efforts to protect and enhance the environment;

12. Affirms that, in the light of the foregoing, the following environmental issues, which are not listed in any particular order of priority, are among those of major concern in maintaining the quality of the Earth's environment and especially in achieving environmentally sound and sustainable development in all countries:

(a) Protection of the atmosphere by combating climate change, depletion of the ozone layer and transboundary air pollution;

(b) Protection of the quality and supply of freshwater resources;

(c) Protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources;

(d) Protection and management of land resources by, inter alia, combating deforestation, desertification and drought;

(e) Conservation of biological diversity;

(f) Environmentally sound management of biotechnology;

(g) Environmentally sound management of wastes, particularly hazardous wastes, and of toxic chemicals, as well as prevention of illegal international traffic in toxic and dangerous products and wastes;

(h) Improvement of the living and working environment of the poor in urban slums and rural areas, through the eradication of poverty by, inter alia, implementing integrated rural and urban development programmes, as well as taking other appropriate measures at all levels necessary to stem the degradation of the environment;

(i) Protection of human health conditions and improvement of the quality of life;

13. Emphasizes the need to strengthen international co-operation for the management of the environment to ensure its protection and enhancement and the need to explore the issue of benefits derived from activities, including research and development, related to the protection and development of biological diversity;

14. Reaffirms the need to strengthen international co-operation, particularly between developed and developing countries, in research and development and the utilization of environmentally sound technologies;

15. Decides that the Conference, in addressing environmental issues in the developmental context, should have the following objectives:

(a) To examine the state of the environment and changes that have occurred since the United Nations Conference on the Human Environment, held in 1972, and since the adoption of such international agreements as the Plan of Action to Combat Desertification, the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987, taking into account the actions taken by all countries and intergovernmental organizations to protect and enhance the environment;

(b) To identify strategies to be co-ordinated regionally and globally, as appropriate, for concerted action to deal with major environmental issues in the socio-economic development processes of all countries within a particular time-frame;

(c) To recommend measures to be taken at the national and international levels to protect and enhance the environment, taking into account the specific needs of developing countries, through the development and implementation of policies for sustainable and environmentally sound development with special emphasis on incorporating environmental concerns in the economic and social development process and of various sectoral policies and through, inter alia, preventive action at the sources of environmental degradation, clearly identifying the sources of such degradation and appropriate remedial measures, in all countries;

(d) To promote the further development of international environmental law, taking into account the Declaration of the United Nations Conference on the Human Environment, as well as the special needs and concerns of the developing countries, and to examine in this context the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of the environment, and taking into account relevant existing international legal instruments;

(e) To examine ways and means further to improve co-operation in the field of protection and enhancement of the environment between neighbouring countries, with a view to eliminating adverse environmental effects;

(f) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments for defined activities to deal with major environmental issues in order to restore the global ecological balance and to prevent further deterioration of the environment, taking into account the fact that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizing that those countries have the main responsibility for combating such pollution;

(g) To accord high priority to drought and desertification control and to consider all means necessary, including financial, scientific and technological resources, to halt and reverse the process of desertification with a view to preserving the ecological balance of the planet;

(h) To examine the relationship between environmental degradation and the international economic environment, with a view to ensuring a more integrated approach to problems of environment and development in relevant international forums without introducing new forms of conditionality;

(i) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments and by intergovernmental organizations for defined activities to promote a supportive international economic climate conducive to sustained and environmentally sound development in all countries, with a view to combating poverty and improving the quality of life, and bearing in mind that the incorporation of environmental concerns and considerations in development planning and policies should not be used to introduce new forms of conditionality in aid or in development financing and should not serve as a pretext for creating unjustified barriers to trade;

(j) To identify ways and means of providing new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans and to consider ways of effectively monitoring the provision of such new and additional financial resources, particularly to developing countries, so as to enable the international community to take further appropriate action on the basis of accurate and reliable data;

(k) To identify ways and means of providing additional financial resources for measures directed towards solving major environmental problems of global concern and especially of supporting those countries, in particular developing countries, for which the implementation of such measures would entail a special or abnormal burden, owing, in particular, to their lack of financial resources, expertise or technical capacity;

(l) To consider various funding mechanisms, including voluntary ones, and to examine the possibility of a special international fund and other innovative approaches, with a view to ensuring, on a favourable basis, the most effective and expeditious transfer of environmentally sound technologies to developing countries;

(m) To examine, with a view to making recommendations on effective modalities for favourable access to, and transfer of, environmentally sound technologies, in particular to the developing countries, including on concessional and preferential terms, and on modalities for supporting all countries in their efforts to create and develop their endogenous technological capacities in the field of scientific research and development, as well as in the acquisition of relevant information, and, in this context, to explore the concept of assured access, for developing countries to environmentally sound technologies, in its relation to proprietary rights, with a view to developing effective responses to the needs of developing countries in this area;

(n) To promote the development of human resources, particularly in developing countries, for the protection and enhancement of the environment;

(o) To recommend measures to Governments and the relevant bodies of the United Nations system, with a view to strengthening technical co-operation with the developing countries to enable them to develop and strengthen their capacity for identifying, analysing, monitoring, managing or preventing environmental problems in accordance with their national development plans, objectives and priorities;

(p) To promote open and timely exchange of information on national environmental policies, situations and accidents;

(q) To review and examine the role of the United Nations system in dealing with the environment and possible ways of improving it;

(r) To promote the development or strengthening of appropriate institutions at the national, regional and global levels to deal with environmental matters in the context of the socio-economic development processes of all countries;

(s) To promote environmental education, especially of the younger generation, as well as other measures to increase awareness of the value of the environment;

(t) To promote international co-operation within the United Nations system in monitoring, assessing and anticipating environmental threats and in rendering assistance in cases of environmental emergency;

(u) To specify the respective responsibilities of and support to be given by the organs, organizations and programmes of the United Nations system for the implementation of the recommendations of the Conference;

(v) To quantify the financial requirements for the successful implementation of Conference decisions and recommendations and to identify possible sources, including innovative ones, of additional resources;

(w) To assess the capacity of the United Nations system to assist in the prevention and settlement of disputes in the environmental sphere and to recommend measures in this field, while respecting existing bilateral and international agreements that provide for the settlement of such disputes;

II

1. Decides to establish the Preparatory Committee for the United Nations Conference on Environment and Development, which shall be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers, in accordance with the established practice of the General Assembly;

2. Decides that the Preparatory Committee shall hold an organizational session of two weeks' duration in March 1990 and a final session, both at United Nations Headquarters, in New York, as well as three additional substantive sessions, the first at Nairobi and the following two at Geneva, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;

3. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, a chairman and other members of its Bureau, comprising a substantial number of vice-chairmen and a rapporteur;

4. Decides that the host country of the Conference, Brazil, shall be ex officio a member of the Bureau;

5. Requests the Secretary-General, following the organizational session of the Preparatory Committee, to establish an appropriate ad hoc secretariat at the United Nations Office at Geneva, with a unit in New York and another unit in Nairobi, taking into account the decisions to be made by the Preparatory Committee regarding the preparatory process for the Conference and based on the principle of equitable geographic distribution;

6. Decides that the ad hoc secretariat will be headed by the Secretary-General of the United Nations Conference on Environment and Development, who will be appointed by the Secretary-General of the United Nations;

7. Requests the Secretary-General of the United Nations to prepare a report for the organizational session of the Preparatory Committee containing recommendations on an adequate preparatory process, taking into account the provisions of the present resolution and the views expressed by Governments in the debate at the forty-fourth session of the General Assembly;

8. Decides that the Preparatory Committee shall:

(a) Draft the provisional agenda of the Conference, in accordance with the provisions of the present resolution;

(b) Adopt guidelines to enable States to take a harmonized approach in their preparations and reporting;

(c) Prepare draft decisions for the Conference and submit them to the Conference for consideration and adoption;

9. Requests the United Nations Environment Programme, as the main organ dealing with environmental issues, and other organs, organizations and programmes of the United Nations system, as well as other relevant intergovernmental organizations, to contribute fully to the preparations for the Conference on the basis of guidelines and requirements to be established by the Preparatory Committee;

10. Requests the Secretary-General to ensure the co-ordination of contributions from the United Nations system through the Administrative Committee on Co-ordination;

11. Invites all States to take an active part in the preparations for the Conference, to prepare national reports, as appropriate, to be submitted to the Preparatory Committee in a timely manner, and to promote international co-operation and broad-based national preparatory processes involving the scientific community, industry, trade unions and concerned non-governmental organizations;

12. Requests relevant non-governmental organizations in consultative status with the Economic and Social Council to contribute to the Conference, as appropriate;

13. Stresses the importance of holding regional conferences on environment and development with the full co-operation of the regional commissions, and recommends that the results of such regional conferences be introduced into the preparatory process for the Conference, bearing in mind that regional conferences should make important substantive contributions to the Conference;

14. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations without adversely affecting other ongoing activities and without prejudice to the provision of sources of extrabudgetary resources;

15. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

16. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its forty-fifth and forty-sixth sessions on the progress of the work of the Committee;

17. Decides to include in the provisional agenda of its forty-fifth and forty-sixth sessions an item entitled "United Nations Conference on Environment and Development".

4. General Assembly resolution 44/20 of 14 November 1989

Zone of peace and co-operation of the South Atlantic 1/

The General Assembly,

Recalling its resolution 41/11 of 27 October 1986, in which it solemnly declared the Atlantic Ocean, in the region situated between Africa and South America, the "Zone of peace and co-operation of the South Atlantic",

Recalling also its resolution 42/16 of 10 November 1987, in which it urged States of the region to continue their actions aiming at fulfilling the goals of the declaration, especially through the adoption and implementation of specific programmes for this purpose, and its resolution 43/23 of 14 November 1988, in which it commended initiatives by States of the zone to promote peace and regional co-operation in the South Atlantic,

Reaffirming that the questions of peace and security and those of development are interrelated and inseparable, and considering that co-operation among all States, in particular those of the region, for peace and development is essential to promote the objectives of the zone of peace and co-operation of the South Atlantic,

Aware of the importance that the States of the zone attach to the preservation of the region's environment and recognizing the threat that pollution from any source poses to the marine and coastal environment, its ecological balance and its resources,

Noting with appreciation the efforts of States of the zone towards fulfilling the goals of the declaration,

1. Takes note of the report submitted by the Secretary-General in accordance with resolution 43/23; 2/

2. Calls upon all States to co-operate in the promotion of the objectives of peace and co-operation established in the declaration of the zone of peace and co-operation of the South Atlantic and to refrain from any action inconsistent with those objectives, particularly actions which may create or aggravate situations of tension and potential conflict in the region;

3. Welcomes the beginning in April 1989 of the implementation of the United Nations plan for the independence of Namibia and looks forward to receiving Namibia very soon as a member of the community of the States of the zone;

4. Emphasizes the imperative need to preserve the environment of the region and urges all States to take the necessary measures in order to ensure its protection from environmental damage;

1/ Document A/RES/44/20.

2/ A/44/536.

5. Urges all States to abstain from transferring to and disposing in the region hazardous, toxic and nuclear wastes;

6. Welcomes the assistance that the Office for Ocean Affairs and the Law of the Sea of the Secretariat and the United Nations Development Programme are extending towards the convening by the States of the zone of two seminars, to be held in the Congo in 1990 and in Uruguay in 1991, devoted to the review of the development and implementation of the legal régime established by the United Nations Convention on the Law of the Sea; 3/

7. Requests the Secretary-General to keep the implementation of resolution 41/11 under review and to submit a report to the General Assembly at its forty-fifth session, taking into account, inter alia, the views expressed by Member States;

8. Decides to include in the provisional agenda of its forty-fifth session the item entitled "Zone of peace and co-operation of the South Atlantic".

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

C. Table of claims to maritime zones a/

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
Albania		12				200m/EXP
Algeria		12				
Angola		20			200	
*Antigua and Barbuda	2/2/89	12	24	200		200/OM
Argentina b/		12		200		200m/EXP
Australia		3			200	200m/EXP
*Bahamas	29/7/83	3			200	200m/EXP
*Bahrain	30/5/85	3				
Bangladesh		12	18	200		OM
Barbados		12		200		
Belgium		12			Up to the median line with neighbouring States	Up to the median line with opposite and adjacent States
*Belize	13/8/83	3				
Benin		200				
*Brazil c/	22/12/88	200				
Brunei Darussalam		12			200	

* States indicated with an asterisk have ratified the United Nations Convention on the Law of the Sea.

a/ The table is based on the maritime legislation of 144 coastal States, compiled as of 31 December 1989. Four of these States fall under article 305 (1) (c), (d) and (e) of the Convention.

b/ A press release dated 6 November 1989 issued by the Government of Argentina explicitly mentions a 12-nm territorial sea and 200-nm exclusive economic zone, although Argentinian legislation has not yet been changed.

c/ It should be noted that Brazil adopted on 5 October 1988 a new constitution establishing a territorial sea and an exclusive economic zone. Brazil has also ratified the United Nations Convention on the Law of the Sea. On that basis it could be assumed that Brazil intends to establish the limits of its territorial sea and exclusive economic zone of 12 nm and 200 nm respectively.

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
Bulgaria		12	24	200		
Cambodia d/		12	24	200		200nm
*Cameroon	19/11/85	50				
Canada		12			200	200/OM
*Cape Verde	10/8/87	12		200		
Chile e/		12	24	200		200/350
China		12				
Colombia		12		200		200m/EXP
Comoros		12		200		
Congo		200				
Costa Rica		12		200		200m/EXP
*Côte d'Ivoire	26/3/84	12		200		200nm
*Cuba	15/8/84	12		200		
*Cyprus	12/12/88	12				EXP
Dem. People's Rep. of Korea f/		12		200		

d/ Cambodia was previously known as Democratic Kampuchea.

e/ A 350-nm continental shelf limit applies to Sala y Gomez and the Easter Island.

f/ An army command announcement has established a 50-nm "nautical boundary line" within which foreign vessels cannot enter without authorization.

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*Democratic Yemen	21/7/87	12	24	200		200/OM
Denmark		3			200	200m/EXP
Djibouti		12	24	200		
Dominica		12	24	200		
Dominican Republic		6	24	200		200/OM
Ecuador		200				200/iso
*Egypt	26/8/83	12	24	200		200m/EXP
El Salvador		200				
Equatorial Guinea		12		200		
Ethiopia		12				
*Fiji	10/12/82	12		200		200m/EXP
Finland		4	6		12	200m/EXP
France		12	24	200		200m/EXP
Gabon		12	24	200		
*Gambia	22/5/84	12	18		200	

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
German Democratic Republic		12			Up to equidistance line with neighbouring States	200m/EXP
Germany, Federal Rep. of g/		3			200	200m/EXP
*Ghana	7/6/83	12	24	200		200nm
Greece h/		6				200m/EXP
Grenada		12		200		
Guatemala		12		200		200m/EXP
*Guinea	6/9/85	12		200		
*Guinea-Bissau	25/8/86	12		200		
Guyana		12			200	200/OM
Haiti		12	24	200		EXP
Honduras		12		200		200m/EXP
*Iceland	21/6/85	12		200		200/OM
India		12	24	200		200/OM
*Indonesia	3/2/86	12		200		EXP
Iran		12			50	

g/ A Decree for Preventing Tanker Casualities in the German Bight was promulgated on 12 November 1984 extending the territorial sea of the Federal Republic of Germany in the North Sea to 16 nm.

h/ Decree 6/18 of September 1931 extended the territorial sea to 10 nm for the purposes of aviation and the control thereof.

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*Iraq	30/7/85	12				
Ireland		12			200	
Israel		6				EXP
Italy		12				200m/EXP
*Jamaica	21/3/83	12				200m/EXP
Japan i/		12			200	
Jordan		3				
*Kenya	2/3/89	12		200		200m/EXP
Kiribati		12		200		
*Kuwait	2/5/86	12				
Lebanon		12				
Liberia		200				
Libyan Arab Jamahiriya		12				
Madagascar		12	24	200		200/iso
Malaysia		12		200		200m/EXP

i/ There is a 3-nm territorial sea in certain designated areas (Soya strait, Tsugaru strait, eastern channel of Tsushima strait and western channel of Tsushima and Osumi straits).

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
Maldives j/		12				
Malta		12	24		25	200m/EXP
Meuritania		12	24	200		200/OM
Mauritius		12		200		200/OM
*Mexico	18/3/83	12	24	200		200/OM
Monaco		12				
Morocco		12	24	200		
Mozambique		12		200		
Myanmar k/		12	24	200		200/OM
Nauru		12			200	
Netherlands		12			200	200m/EXP
New Zealand		12		200		200/OM
Nicaragua		200				
*Nigeria	14/8/86	30		200		200m/EXP
Norway		4		200		200nm

j/ Maldives has proclaimed an exclusive economic zone which is defined by co-ordinates (see Status of the United Nations Convention on the Law of the Sea (United Nations publication, Sales No. E.85.V.10, p. 173)).

k/ Myanmar was previously known as Burma.

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*Oman	17/8/89	12	24	200		
Pakistan		12	24	200		200/OM
Panama		200				
Papua New Guinea		12			200	200m/EXP
Peru		200				200nm
*Philippines	8/5/84			200		EXP
Poland		12			Up to a line to be determined by international agreement	
Portugal		12		200		200m/EXP
Qatar		3			Up to median line with neighouring States or international agreement	
Republic of Korea		12				
Romania		12		200		200m/EXP
Saint Kitts and Nevis		12	24	200		200/OM
*Saint Lucia	27/3/85	12	24	200		200/OM
Saint Vincent and the Grenadines		12	24	200		200nm
Samoa		12		200		

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
*Sao Tome and Principe	3/11/87	12		200		
Saudi Arabia		12	18			200/CM
*Senegal	25/10/84	12	24	200		200/CM
Seychelles		12		200		200m/EXP
Sierra Leone		200				
Singapore		3				200nm
Solomon Islands		12		200		
*Somalia	24/7/89	200			200	200m/EXP
South Africa		12				200m/EXP
Spain		12		200		
Sri Lanka		12	24	200		200/CM
*Sudan	23/1/85	12	18			200m/EXP
Suriname		12		200		
Sweden		12			Up to equidistance line with neighbouring States	200m/EXP
Syrian Arab Republic		35	41			200m/EXP

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
Thailand		12		200		200m/EXP
*Togo	16/4/85	30		200		
Tonga		12		200		200m/EXP
*Trinidad and Tobago	25/4/86	12	24	200		200m/EXP
*Tunisia	24/4/85	12				
Turkey 1/		6			12	
Tuvalu		12	24	200		
Ukrainian SSR		12		200		200m/EXP
USSR		12		200		200m/EXP
United Arab Emirates m/		3		Up to the boundary with neighbouring States. If no boundary, up to median line		
United Kingdom		12			200	200m/EXP
*United Republic of Tanzania	30/9/85	12		200		
United States of America		12	12	200		200m/EXP
Uruguay		200				200m/EXP
Vanuatu		12	24	200		200/CM

1/ A limit of 12 nm applies in the Mediterranean Sea and the Black Sea.

m/ A limit of 12 nm applies to Sharga.

States	Convention ratification	Territorial sea	Contiguous zone	Exclusive economic zone	Fishery zone	Continental shelf
Venezuela		12	15	200		200m/EXP
Viet Nam		12	24	200		200/OM
Yemen		12				
*Yugoslavia	5/5/86	12				200m/EXP
*Zaire	17/2/89	12		200		
		Others under article 305 (1) (c), (d) and (e)				
Cook Islands		12		200		200/OM
Niue		12		200		
Marshall Islands		12	24	200		
Micronesia, Federated States of		12		200		

D. Summary of claims to maritime zones 1/

TERRITORIAL SEA

Breadth (nautical miles)	Number of States
3	10
4	2
6	4
12	110
20	1
30	2
35	1
50	1
200	12

CONTIGUOUS ZONE

Breadth (nautical miles)	Number of States
6	1
12	1
18	4
24	32

1/ The table is a summary listing of the various maritime zones for those States specifying either the breadth of the zone or the criteria which determines it.

Summary of claims to maritime zones (cont.)

EXCLUSIVE ECONOMIC ZONE

Breadth (nautical miles)	Number of States
200	79
Proclamation with co-ordinates	1
Up to median line with neighbouring States	1

FISHERY ZONE

Breadth (nautical miles)	Number of States
12	2
25	1
50	1
200	16
Up to median line with neighbouring States	5

CONTINENTAL SHELF

Criteria	Number of States
Depth (200 m) plus exploitability (200m/EXP)	42
Breadth (200 nm) plus continental margin (200/CM)	21
Continental margin (CM)	1
Exploitability (EXP)	4
Breadth (200 nm or 100 nm from the 2,500-m isobath) (200/iso)	2
Breadth (200/350 nm) (200/350)	1
Breadth (200 nm) (200nm)	6

E. Treaties

Regional treaties

(a) Protocol for the Protection of the South-East Pacific Against Radioactive Pollution

[Original: Spanish]

The High Contracting Parties,

Aware of the need to protect and preserve the maritime area of the South-East Pacific against radioactive pollution,

Recognizing the need to adopt measures for prohibiting all dumping and/or burial of radioactive wastes or other radioactive substances in the sea and/or on the sea-bed and subsoil thereof,

Bearing in mind the 1981 Convention for the Protection of the Marine Environment and Coastal Areas of the South-East Pacific,

Have concluded the following Protocol:

Article I

Geographical area

The area to which this Protocol applies shall be the maritime area of the South-East Pacific within the 200-mile maritime zone over which the High Contracting Parties exercise sovereignty and jurisdiction.

This Protocol shall also apply to the entire continental shelf when the High Contracting Parties extend it beyond their 200 miles.

Article II

General obligations

The High Contracting Parties agree to prohibit all dumping of radioactive wastes and other radioactive substances in the sea and/or on the sea-bed within the area to which this Protocol applies.

The High Contracting Parties also agree to prohibit all burial of radioactive wastes and other radioactive substances in the marine subsoil within the area to which this Protocol applies.

For these purposes, "dumping" means any deliberate disposal at sea of radioactive wastes and other radioactive substances from vessels, aircraft, platforms or other man-made structures at sea; and any deliberate sinking at sea of vessels, aircraft, platforms or other man-made structures containing or transporting such wastes or other substances.

Article III

Measures for avoiding pollution

The High Contracting Parties shall take the measures necessary for ensuring that activities under their jurisdiction or control are carried out in such a way as not to cause pollution damage to the other Contracting Parties, to their environment or to the zones situated beyond those in which the Contracting Parties exercise their sovereignty and jurisdiction. The High Contracting Parties also undertake not to carry out the activities referred to in the preceding article in the zones beyond those in which the Parties exercise their sovereignty and jurisdiction.

Article IV

Enumeration of radioactive wastes or other radioactive substances

The prohibition established by articles II and III shall cover the dumping and burial of all radioactive wastes or other radioactive substances considered as such in line with the recommendations of the competent international organization which is at present the International Atomic Energy Agency.

Where doubts exist as to whether a given waste or substance is radioactive or not, such waste or substance shall be included in the prohibition under articles II and III pending confirmation by the Executive Secretariat, due account being taken of the recommendations of the International Atomic Energy Agency as to whether such waste or substance is harmless.

Article V

Scientific and technological co-operation

The High Contracting Parties undertake to co-operate directly, through the Executive Secretariat or the competent international organizations, in science and technology and shall exchange data and information pertaining to compliance with the objectives of this Protocol.

Article VI

Exchange of information

The High Contracting Parties undertake to exchange among themselves and to transmit, through the Executive Secretariat, information on:

(a) Programmes or measures of scientific, technical or other assistance between the Parties, which may include: training of scientific and technical personnel; providing equipment and services; and advice for evaluating and monitoring programmes;

(b) Programmes of research into new methods and techniques for dealing with the treatment of radioactive wastes and other radioactive substances;

(c) The results of the monitoring programmes; and

(d) The measures adopted, results obtained and difficulties encountered in implementing this Protocol.

Article VII

Monitoring programmes

The High Contracting Parties, directly or in collaboration with the Executive Secretariat or with the competent international organizations, shall establish individual or joint programmes for monitoring the geographical area covered by this Protocol.

For this purpose, the High Contracting Parties shall appoint the authorities in charge of monitoring their respective maritime zones of sovereignty and jurisdiction and shall participate, to the extent possible, in international agreements to these ends, in zones outside the limits of their sovereignty and jurisdiction.

Article VIII

Co-operation in emergencies

The High Contracting Parties shall promote emergency programmes, individually or collectively, in order to prevent any incident that may result from the dumping of radioactive wastes and other radioactive substances.

To this end, they shall maintain the necessary resources, including experts and equipment, for effective implementation of such programmes.

Article IX

Training programmes

In formulating and executing training programmes, the High Contracting Parties shall endeavour to maintain optimum efficiency in carrying out the regional co-operation activities referred to in this Protocol.

Article X

Action in cases of force majeure

If, by reason of force majeure, in order to safeguard human life on board vessels, aircraft, platforms or other man-made structures at sea, radioactive wastes or other radioactive substances are dumped in the area to which this Protocol applies, the High Contracting Parties shall co-operate to the fullest possible extent in order to counter without delay the danger of pollution to the environment.

To this end, the High Contracting Parties undertake to co-ordinate the use of their communication media in order to ensure timely reception, transmission and dissemination of all information on such emergency measures.

The information obtained shall be communicated immediately to any Contracting Parties that may be affected by the danger of pollution.

Article XI

Enactment of laws and regulations

The High Contracting Parties shall enact national laws and regulations to prohibit the dumping and burial of radioactive wastes and other radioactive substances.

Article XII

Penalties

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to take appropriate steps to prevent and penalize any activity in contravention thereof.

Article XIII

Executive Secretariat

For the purposes of administering and implementing this Protocol, the High Contracting Parties agree to appoint the Permanent Commission for the South Pacific (CPPS) to serve as Executive Secretariat of the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function on behalf of the above-mentioned international body.

Article XIV

Meetings of the High Contracting Parties

The High Contracting Parties shall hold regular meetings every two years and special meetings at any time at the request of two or more Parties.

At their regular meetings the High Contracting Parties shall address, inter alia, the following matters with a view to adopting appropriate resolutions and recommendations:

(a) The extent of compliance with this Protocol and the effectiveness of the measures adopted, as well as the need to develop other types of activity for carrying out the objectives of this Protocol;

(b) The need to amend or revise this Protocol and the advisability of extending or amending the resolutions and recommendations adopted under the Protocol;

(c) The adoption of monitoring, training and emergency programmes; and

(d) The development of any other function that may further the aims of this Protocol.

Article XV

Entry into force

This Protocol shall enter into force 60 days after the date of deposit of the third instrument of ratification with the General Secretariat of the Permanent Commission of the South Pacific.

Article XVI

Denunciation

This Protocol may be denounced by any High Contracting Party two years after its entry into force for such denouncing Party.

The denunciation shall be effected by written notification to the Executive Secretariat which shall immediately communicate it to the High Contracting Parties.

The denunciation shall take effect 180 days after the above-mentioned notification.

Article XVII

Amendments

This Protocol may be amended only by unanimous decision of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force on the date of deposit of the third instrument of ratification with the Executive Secretariat.

Article XVIII

Accession

This Protocol shall be open to accession by any coastal State of the South-East Pacific by unanimous invitation of the High Contracting Parties.

Accession shall be effected by deposit of the relevant instrument with the Executive Secretariat which shall communicate it to the High Contracting Parties.

This Protocol shall enter into force for an acceding State 60 days after the deposit of the relevant instrument.

Article XIX

Reservations

No reservations to this Protocol shall be admissible.

DONE in seven identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, duly authorized for the purpose by their respective Governments, have signed this Protocol at Paipa, Colombia, on 21 September 1989.

(b) Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific

[Original: Spanish]

The High Contracting Parties,

Recognizing the need to adopt appropriate measures for the protection and preservation of those ecosystems which are fragile, vulnerable or of unique natural value, and flora and fauna threatened by depletion and extinction,

Considering that it is in the common interest to endeavour to manage coastal areas on the basis of a rational assessment of the proper balance between conservation and development,

Considering it necessary to establish protected areas with special emphasis on parks, reserves, flora and fauna sanctuaries and other such areas,

Bearing in mind that all activities liable to have adverse effects on the ecosystem, flora and fauna and their habitat must be regulated, and,

Bearing in mind the 1981 Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific,

Have agreed as follows:

Article I

Applicability

The area to which this Protocol applies shall be the maritime area of the South-East Pacific within the 200-mile maritime zone over which the High Contracting Parties exercise sovereignty and jurisdiction,

This Protocol shall also apply to the entire continental shelf when the High Contracting Parties extend it beyond their 200 miles.

The coastal zone, where interaction between land, sea and the atmosphere is ecologically apparent, shall be determined by each State Party, in accordance with the relevant scientific and technical criteria.

Article II

General obligations

The High Contracting Parties undertake, either individually or through bilateral or multilateral co-operation, to adopt appropriate measures in accordance with the provisions of this Protocol in order to protect and preserve those ecosystems which are fragile, vulnerable or of unique natural or cultural value, with particular emphasis on flora and fauna threatened by depletion or extinction, and shall conduct studies for the purpose of restoring the environment or restocking flora and fauna, where necessary;

To this end, the High Contracting Parties shall establish areas under their protection in the form of parks, reserves, flora and fauna sanctuaries and other such areas. In these areas integration management shall be established on the basis of studies and inventories of their resources, with a view to ensuring their sustained development, and any activity liable to have adverse effects on the ecosytem, flora and fauna or their habitat, shall be prohibited.

Article III

Information on protected areas

The High Contracting Parties undertake to provide each other, through the Executive Secretariat of this Protocol, with information on the designation of protected areas, specifying the relevant factors which were taken into account in making the designation, such as the importance of the areas from the scientific, ecological, economic, historical, archaelogical, cultural, educational, touristic, aesthetic or other point of view.

The information provided by the High Contracting Parties shall indicate the effects that it may have on the environment, coastal resources or the value thereof.

Each State Party shall endeavour, to the extent possible and prior to establishing its protected areas, to exchange information thereon with the other States Parties to the Protocol.

Each State Party shall inform the others, through the Executive Secretariat, of any change introduced in the legal status or delimitation of its protected areas.

The Executive Secretariat shall keep up to date a register of the information provided by States Parties on their protected areas and any regulatory measures that they may adopt for those areas. The Executive Secretariat shall transmit the information received to the other Parties in good time.

Article IV

Common criteria

The High Contracting Parties shall adopt common criteria for the establishment of areas under their protection. To that end, where they deem it appropriate, they shall request, jointly or individually, the advice and co-operation of the competent international organizations.

Article V

Regulation of activities

Each High Contracting Party shall establish integrated environmental management in the protected areas as follows:

(a) It shall establish the management of flora and fauna in accordance with the particular characteristics of the protected areas;

(b) It shall prohibit activities relating to prospecting and mining of the soil and subsoil of the protected area;

(c) It shall regulate all scientific, archaeological or touristic activity in the area;

(d) It shall regulate trade affecting the flora, fauna and their habitat in the protected area;

(e) In general, it shall prohibit any activity liable to have adverse effects on species, ecosystems or biological processes protecting such areas, or on their status as national, scientific, ecological, economic, historical, cultural, archaeological or touristic assets.

Article VI

Buffer zones

The High Contracting Parties shall establish, around the protected areas, buffer zones where none exist and wherein the uses made of the areas can be regulated in order to ensure compliance with the purposes of this Protocol.

Article VII

Measures to prevent, reduce and control pollution of protected areas

The High Contracting Parties shall take measures, individually or jointly, to prevent or reduce and control environmental deterioration, including pollution in the protected areas, deriving from any source or activity, and they shall make every effort to harmonize their policies in the matter.

Such measures shall include, inter alia, those designed to:

1. Prohibit the dumping of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, including rivers, estuaries, drainage pipes and structures, from or through the atmosphere;

2. Prevent, reduce and control, to the extent possible:

(a) Pollution from vessels, including measures to prevent accidents and deal with emergency situations and to prevent dumping, whether intentional or unintentional;

(b) The control and transport of hazardous substances;

(c) The introduction of exotic species of flora and fauna, including transplants; and,

(d) Other activities likely to cause environmental deterioration.

Article VIII

Environmental impact assessment

The High Contracting Parties shall assess the environmental impact of any activity liable to produce adverse effects on protected areas and shall establish an integrated analysis procedure for that purpose. They shall also exchange information on alternative activities or measures suggested for preventing such effects.

Article IX

Scientific and technical research, environmental education and community participation

The High Contracting Parties shall promote scientific and technical research, environmental education and community participation as a basis for conserving and managing the protected areas.

Article X

Rules concerning co-operation

The High Contracting Parties shall take steps, through the Executive Secretariat of this Protocol, to co-operate in the management and conservation of the protected areas and shall, to that end, exchange information on the programmes and research carried out in those areas, and on the experiences of each area, particularly in the scientific, legal and managerial fields. The Executive Secretary may also request such information from the universities and specialized institutions of the States Parties to this Protocol through the focal points.

The High Contracting Parties shall, directly or through the Executive Secretariat, promote programmes of scientific, technical, legal, educational and other assistance for the protected areas.

Such assistance shall include, inter alia:

(i) Training of scientific and technical personnel;

(ii) Participation in the respective programmes;

(iii) Supplying experts and equipment;

(iv) Supplying facilities for, and advice on, research, monitoring, educational, tourism and other programmes;

(v) Organization of a technical file on the specialized legislation of each of the States Parties;

(vi) Dissemination of specialized information on the protected areas.

Article XI

Environmental education

The High Contracting Parties shall promote environmental education and community participation in the conservation and management of the protected areas.

Article XII

Authorities of the protected areas

The High Contracting Parties undertake to supply, through the Executive Secretariat, information on:

(a) The national organization and authorities responsible for managing the protected areas;

(b) Research programmes in the protected areas.

Article XIII

Compliance and penalties

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to adopt legal and administrative measures within its jurisdiction for preventing or penalizing any activity in violation of these provisions.

The High Contracting Parties shall notify the Executive Secretariat of the measures adopted for implementing the provisions of the preceding paragraph.

Article XIV

Meetings of the High Contracting Parties

The High Contracting Parties shall hold regular meetings at least every two years, or special meetings at any time, when two or more of the Parties so request. These meetings shall be convened by the Executive Secretariat.

At regular meetings, the High Contracting Parties shall adopt resolutions on the basis of an analysis, inter alia, of the following points:

(a) The extent to which this Protocol is being implemented and the effectiveness of the measures taken and the need to develop other kinds of activities in compliance with the objectives of this Protocol;

(b) The need for amendments to, or revisions of, this Protocol and the advisability of expansion or modification of the resolutions adopted in pursuance thereof;

(c) The performance of any other function which may be of value in achieving the purposes of this Protocol.

The High Contracting Parties shall enable the authorities responsible for the protected areas to participate as technical advisers in the meetings held.

Article XV

Executive Secretariat of the Protocol

For the purposes of administering and implementing this Protocol, the High Contracting Parties hereby appoint the General Secretariat of the Permanent Commission for the South Pacific (CPPS) to serve as Executive Secretariat of the Commission. At their first meeting, the Parties shall establish the procedure and financing for the performance of this function on behalf of the Commission.

Article XVI

Entry into force

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission for the South Pacific (CPPS).

Article XVII

Denunciation

This Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for such denouncing Party.

Such denunciation shall be effected by means of written notification to the Executive Secretariat which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of the said notification.

Article XVIII

Amendments

This Protocol may be amended only by unanimous decision of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article XIX

Accession

This Protocol shall be open for accession by any State bordering the South-East Pacific.*

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* Applicable by extension to the coastal Latin American States of the East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat which shall communicate it to the High Contracting Parties.

This Protocol shall enter into force for the State acceding thereto 60 days after the deposit of the relevant instrument.

Article XX

Reservations

No reservations to this Protocol shall be admissible.

DONE in seven identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission for the South Pacific (CPPS), all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF this Protocol has been signed at Paipa, Colombia, on 21 September 1989.

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

A. Statements made by delegations at the conclusion of the 1989 summer meeting

At the conclusion of the 1989 summer meeting of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, delegations, speaking on behalf of regional and/or special interest groups, 1/ made statements referring to the progress of work in the Commission, their readiness to hold a dialogue with all interested parties concerning outstanding issues and the need for universal participation in the United Nations Convention on the Law of the Sea.

1. Zambia on behalf of the Group of 77

1 September 1989

Mr. Chairman,

Please do allow me a few minutes to reflect, on behalf of the Group of 77, on some important issues relating to the future work of the Preparatory Commission and the Convention as we enter an interesting and critical stage. I shall briefly refer to these issues as:

(i) Universality of the Convention;
(ii) Size and cost of the Authority;
(iii) Programme of work of the Preparatory Commission;
(iv) Discharge of obligations by registered pioneer investors.

1/ In addition to the traditional groups of States existing within the framework of the United nations system - such as the Group of 77 developing countries, regional groups, etc. - other groups, having a common special interest, were formed during the Third United Nations Conference on the Law of the Sea. Among those groups were the Group of Eleven ("Friends of the Convention") (made up of Australia, Austria, Canada, Denmark, Finland, Iceland, Ireland, New Zealand, Norway, Sweden and Switzerland). That group remained in existence after the conclusion of the work of the Conference and the adoption of the Convention and continues to contribute to the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea.

In the meantime, within the framework of the Preparatory Commission, new groups of special interest were established. These include the Group of Registered Pioneer Investors (India, France, Japan and the USSR); the group of Potential Applicants for pioneer investor status participating in the work of the Preparatory Commission (Belgium, Canada, Germany, Federal Republic of, Italy, the Netherlands and the United Kingdom); and the Group of Six States regularly adopting common positions within the Commission (Belgium, Germany, Federal Republic of, Italy, Japan, the Netherlands and the United Kingdom).

Universality of the Convention

It is important, perhaps, to recall that during the Third United Nations Conference on the Law of the Sea, the Group of 77 was always willing to co-operate with all interest groups to negotiate what turned out to be a compromise document - the Convention. We have never changed the basic stand of co-operation, even during the work of the Preparatory Commission.

However, for some unexplained reasons, it would appear as if our position has not been fully appreciated. I wish to state that the Group of 77 has always been ready, and continues to be ready, to hold discussions, within the context of the Preparatory Commission, with any delegation, or group of delegations, on any issues relating to the Convention and work of the Preparatory Commission.

Our willingness to discuss is borne out of a genuine desire to ensure the universality of the Convention, because the universality of the Convention has always been the objective of the Group of 77. Any delegation, or group of delegations, be they currently involved in the work of the Preparatory Commission or not, whether signatories or non-signatories to the Convention, are welcome to open a dialogue with the Group of 77.

This we declare without any pre-conditions, other than the fact that those willing to talk must indicate a positive approach to serious and meaningful talks. This has been our position and shall continue to be our position. This, however, is not meant to slow down the ratification process which must proceed on course. Meanwhile the Group 77 remains ready to talk.

Size and cost of the Authority

The next matter on which the Group of 77 would like to make its position clear is that regarding the initial size and cost of the Authority upon entry into force of the Convention. A false impression has been conveyed and perpetuated, despite repeated statements by members of the Group of 77 to the contrary, that the Group of 77 contemplates the establishment of a large bureaucratic organization unrelated to the activities which the Authority is legitimately required to perform under the Convention from time to time. Nothing could be further from the truth. The Group of 77 is desirous of establishing an Authority which would be efficient and cost-effective, the size of which would be no larger or smaller than is required to enable the Authority to carry out its functions efficiently.

The functions of the Authority are clearly spelt out in the Convention. If at the entry into force of the Convention the activities to be undertaken by the Authority will not be extensive, equally the initial organization will commence on a correspondingly small scale and grow in size as the activities of the Authority increase. But the size of the Authority at any moment in time cannot be such as to result in it being deprived of the essential resources required for the proper discharge of its functions. To do so would be to paralyse the Authority and effectively prevent it from carrying out its functions under the Convention. This, too, the Group of 77 finds totally unacceptable.

It is obvious from the above that the costs of the Authority at any given moment will depend upon the activities it will be required to perform on a cost-effective basis. The contributions of members will be related thereto and if the organization is initially established on a modest basis, because the activities at that stage will not be enormous, so too the contributions of members will be correspondingly small. It is therefore not correct to make comparisons with the United Nations budget, which exceeds two billion dollars, to dramatize the fact that the developing countries only contribute 4 per cent. In any case the fundamental question is: 4 per cent of what? A realistic size and budget of the Authority, upon entry into force of the Convention, will not impose great financial burdens.

When the stage is reached where the Authority is engaged in extensive activities, it is likely that deep sea-bed mining will have commenced in earnest, so as to require such activities, and then it is contemplated, by the Convention, that the Authority will be self-sufficient so as not to require further contribution from members.

It is the hope of the Group of 77 that, in view of its clear position to require a cost-effective Authority, the question of burdensome costs can now be laid to rest.

Programme of work of the Preparatory Commission

May I now turn to an issue which has been of concern to you as well - the question of the pace at which the work of the Preparatory Commission is moving. We in the Group of 77 believe that there is a need to organize our work in such a way that we do not take an unnecessarily long time to complete our assignment, that is, preparing for the entry into force of the Convention and the establishment of the Authority and its organs. We believe that much can be achieved if the negotiations and consultations in all the Special Commissions and the plenary are oriented towards achieving results. While appreciating the need to be thorough, and as much as possible to obtain the general acceptance of delegations on all issues, we believe that constant reviews and reopening of issues previously agreed upon is retrogressive. We therefore lend support to your proposal of setting 1991 as a provisional date for the completion of the work of the Preparatory Commission.

It is important however to state that your target date should be seen as such. The date should guide our work but should not control our work. We need to complete the work as quickly as possible but without sacrificing the need for the work to be done properly.

The Group of 77 is satisfied with the present arrangements for two sessions per year so as to enable the Preparatory Commission to conclude its work within the shortest possible time. Needless to say, at an appropriate time, it shall be necessary to reduce the duration of the meetings as the work nears the end.

Discharge of obligations by registered pioneer investors

Finally, let me turn to a very important aspect of our work which unfortunately has a sad note to it.

There have now been four sessions since registration of the pioneer investors in 1987, but we have yet to arrive at an agreed arrangement for the discharge of obligations. Since the setting up of the Group of 33 as a means of conducting negotiations on this issue, the Group of 77 has striven to approach the consultations with realism, reasonableness and good faith. Particularly it must be remembered that at the last session we specifically requested the convening of the Group of Experts so that technical, objective and vital data could be made available to the Preparatory Commission. Now that the Group of Experts has provided us with the much-needed information, we in the Group of 77 have done everything in the name of compromise and co-operation in order for agreement to be arrived at, during the current session, on precisely how the obligations by the registered pioneer investors would be discharged.

Unfortunately the response has been a total and complete let down. Clear and specific informal indications from the Group of 77, on which clear and specific understandings could have been built, have received a very hard slap in the face. We now feel that there may be an unfortunate deliberate delay in resolving this issue by acts of moving backwards which have been exhibited in the last few days. We believe that the ball is now very squarely in the court of the registered pioneer investors to prove that they have always intended to discharge their obligations arising out of the special status created for them under the Convention and various understandings.

One can only go so far in discussing an issue. One can only go so far in compromise. Beyond that stage it becomes difficult to be accommodating. We feel particularly concerned when whispers in the corridors seem to suggest that a new and strange-sounding word has been added to our vocabulary this session: victimization. We hear that some people feel victimized by the special régime created for them with special rights. We hope the whispers are merely that and no more.

Let me end on a quiet and humble reminder that the rights of the registered pioneer investors cannot and will not be enjoyed if the corresponding obligations are dumped in the sea (the pun is not intended).

The Authority, the Enterprise and all the organs to be established under the Convention do not belong to the Group of 77 only. They are all created for the benefit of all mankind. Let us therefore work together with sincere intentions of purpose. We must always believe in what we say and say what we believe in. The future could be bright if we face it right.

2. Denmark on behalf of the Group of Eleven ("Friends of the Convention")

Mr. Chairman,

The members of the Group of Eleven, known also to colleagues here as the "Friends of the Convention", on whose behalf I am taking the floor, have listened with great interest and satisfaction to the preceding speakers.

The United Nations Convention on the Law of the Sea is a major achievement to which we all are attached.

Many of its provisions reflect customary international law, but equally important are the new areas which the Convention seeks to codify. The Convention as a whole expresses in a comprehensive fashion the aspirations of States and the trends in their practice.

In short, the Convention is a milestone in the history of international lawmaking and co-operation, which must not be allowed to fail.

Universal acceptance of its provisions still eludes us because some elements relating to the régime for the sea-bed do not meet the concerns of a certain number of countries, both inside and outside the Preparatory Commission.

The Group on whose behalf I am speaking has always been preoccupied by the fact that the deep sea-bed régime in the Convention still eludes universal acceptance. It is anxious to do its utmost to help to achieve such acceptance and believes that this can only be achieved by real dialogue between all interested parties. The Group is ready to contribute to any initiative that could lead to a universal acceptance.

Resolution of issues relating to pioneer obligations is a central key to progress. The excellent and objective report of the Group of Technical Experts has provided valuable background information which is a useful basis for the negotiations which have been taking place. We strongly believe that this issue must be satisfactorily resolved so that the Preparatory Commission may move on to other wider issues which require further consideration. We urge therefore that this matter be quickly settled at the Kingston session, so that other major outstanding issues can be tackled there.

The declarations made today reflect the spirit in which the Preparatory Commission has been working during this session under your constructive guidance with the very able assistance of the Secretariat. In particular the Group welcomes the statements that have just been made and the attitude underlying them which attest to a remarkable readiness for dialogue. This readiness will be indispensable for tackling the issues that remain unsettled.

3. France on behalf of the countries of the European Economic Community

Mr. Chairman,

As the seventh session of the Preparatory Commission draws to a close, the European Community and its member States would like to express their great satisfaction at the high standard of the work which we have just carried out in New York. This work has been characterized by a quite remarkable spirit of openness which augurs well for the future of the efforts which we are all undertaking, jointly, in the Preparatory Commission.

The Community and its member States take as evidence the statements which have just been made not only by you yourself, Mr. Chairman, but also by the Chairman of the Group of 77. We all share the same concern to open a dialogue and to guarantee a promising future for the Convention.

The Community and its member States regard what has just happened as very significant. Their appreciation is all the greater because of the high value they attach to the contribution which the Convention has already made to the law of the sea. Although it has not yet entered into force, most of its provisions constitute, in fact, an indispensable reference for law of the sea problems. It has most certainly strengthened co-operation among States and encouraged the harmonization of State practice in many areas including, inter alia, freedom of communication and movement on the seas. It forms an essential element in the maintenance of legal order on the seas and oceans and, as a result, is an important contribution to international law.

However, in spite of this positive aspect, the very fact that the Convention is not universally accepted entails a risk that, in time, diverging practices may emerge.

This risk is real. That is why conditions should be brought about immediately which would allow the universality of the Convention to be achieved.

The Community and its member States note that a favourable atmosphere exists at the present time for a new dialogue. They intend to contribute in a constructive way to this dialogue. It is a matter of finding, without pre-conditions, an answer to the deficiencies of the deep sea-bed mining régime in the Convention and, thereby, assuring the Convention's universality.

4. Bulgaria on behalf of the Group of Eastern European States

Mr. Chairman,

On behalf of the Group of Socialist States of Eastern Europe, I wish to express our support to the statement made by the distinguished Chairman of the Group of 77 concerning the universality of the Convention.

We are ready to co-operate with all interested groups in our efforts to ensure the universal acceptance of the Convention.

Our experience in the framework of the Preparatory Commission has shown that the main ideas laid down in the Convention cannot be brought to life if they are not acceptable to all States.

We are convinced that the Convention could become an efficient instrument for ensuring peace, legal order and co-operation in the world ocean only if it is universally acceptable.

Taking into account these considerations, our group is ready to support every positive step aimed at surmounting the existing difficulties with respect to universality through the constructive dialogue of all parties concerned, both within and outside the context of the Preparatory Commission.

Let me finally express our appreciation for the valuable assistance rendered by Mr. Satya Nandan during the current session.

Please also allow me to thank you, Mr. Chairman, for your most able and expert guidance of our deliberations.

5. Italy on behalf of the Group of Six

Mr. Chairman,

Under your expert and capable direction, the summer session of the Preparatory Commission comes this morning to an end. On behalf of the Group of Six, my delegation would like to express to you, Sir, and to the Special Representative of the Secretary-General, for the Law of the Sea, Mr. Nandan, our feelings of deep gratitude and appreciation for the tireless, continuous endeavours displayed in order to facilitate the course of our work, improving, as far as possible, the organizational framework in which we operate. But principally, Mr. Chairman, we would like to thank you for the outstanding contribution given in guiding our debates towards constructive targets, an aim, I am sure, shared by all delegations in this forum.

Important negotiations have accompanied, through the current session, the delicate work of the plenary, of the sub-commissions and of their working groups. On some themes progress has been slow. We must in any event not be discouraged in our endeavours as the problems we are tackling are objectively complex.

Our negotiations are entering a crucial stage. We are convinced that the United Nations Convention on the Law of the Sea constitutes a major achievement of the United Nations and of the process of codification and progressive development of international law. But the States belonging to the Group of Six hold the view that Part XI presents some serious problems which, if left unresolved, might jeopardize this achievement. We have, therefore, tirelessly worked in this forum to find appropriate solutions to the above-mentioned difficulties, so as to pave the way for a universally acceptable Convention. We strongly believe that the achievement of this lofty objective might be greatly facilitated should all States agree to the launching of a dialogue, without pre-conditions and in the appropriate framework, aimed at achieving a better understanding of those problems and solutions to them. We would therefore welcome developments in that direction and are ready to make our contributions.

It is in this light that we have heard with interest and appreciation the statement made a moment ago by the Chairman of the Group of 77, Ambassador Kapumpa.

6. Canada on behalf of Potential Applicants

Mr. Chairman,

On behalf of the group of Potential Applicants, my delegation would like to express the following comments at this final meeting of the resumed seventh session of the Preparatory Commission.

Our group greatly appreciates the efforts which you, Mr. Chairman, the Special Representative of the Secretary-General of the United Nations, Mr. Nandan, have made at this session, especially in attempting to resolve the issue of pioneer investor obligations. In this regard, the Potential Applicants welcomed the reports of the Group of Technical Experts. We hoped that the Experts' report, by outlining plans for stages of exploration of a mine-site reserved for the Authority, would enable us to resolve some of the outstanding differences related to the obligations issue. We regret that, notwithstanding your own tireless efforts, it has not been possible to achieve this result at the current session.

At the same time, our group is heartened by the positive attitude shown by all interest groups in striving to reach a workable compromise on this issue. We believe that, in focusing discussions on the modalities of a solution, progress has been made on the question of pioneer investor obligations. The Potential Applicants, having a strong interest in these matters, urge you, Mr. Chairman, to continue your consultations in search of common ground, in the hope that your valuable efforts will be crowned with success at the Preparatory Commission's eighth session at Kingston.

The members of the group of Potential Applicants are especially encouraged by the current atmosphere at the Preparatory Commission. I am referring to the perception that, with the expectation of the imminent resolution of the issue of pioneer investor obligations, countries appear ready to consider the launching of a dialogue, without pre-conditions, that would lead to the achievement of our common objective: a universally acceptable sea-bed mining régime which could form part of a universally acceptable Law of the Sea Convention. In this regard, the group of Potential Applicants would like to assure you, Mr. Chairman, and all concerned, that we are ready to contribute actively and constructively to such a process. At the same time, we encourage all other States also to do their utmost to take advantage of this opportunity and ensure that such a dialogue, crucial to the future of the Law of the Sea Convention, takes place.

Our group has listened with great interest and appreciation to the statements of the distinguished spokesmen of the Group of 77, the States members of the European Communities (Group of Six, and Friends of the Convention). We sincerely hope that the mood reflected by these expressions will soon prevail in the form of positive action.

IV. OTHER INFORMATION

A. International Court of Justice - Communiqué. Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)

Request for indication of provisional measures

The following information was communicated to the press by the Registry of the International Court of Justice:

"In the above case a request for the indication of provisional measures has been received from the Government of the Republic of Guinea-Bissau.

"Oral proceedings, as provided for in Article 74, paragraph 3, of the Rules of Court, will open on Monday 12 February 1990 at 10 a.m. in the Great Hall of Justice of the Peace Palace, The Hague.

"The case was instituted by an Application which the Republic of Guinea-Bissau filed against the Republic of Senegal on 23 August 1989, in respect of a dispute concerning the existence and validity of the arbitral award delivered on 31 July 1989 by the Arbitration Tribunal for the Determination of the Maritime Boundary between the two States; the Government of the Republic of Guinea-Bissau reserved the right to request provisional measures.

"In its request for the indication of provisional measures the Government of the Republic of Guinea-Bissau inter alia refers to two occasions during the latter months of 1989 on which the Senegalese Navy, in the course of unjustified supervision of the disputed area, took it upon itself to board foreign fishing vessels, escorting them into the port of Dakar for trial ... , and recalls that, as the outcome of the above-mentioned arbitration was referred to the Court by the Republic of Guinea-Bissau by an Application alleging its inexistence and lack of validity, the area remains, pending the decision of the Court and pending its delimitation between the two States, a disputed area in which neither Party may effect any act of sovereignty.

"It accordingly requests, pursuant to Article 41 of the Statute of the Court and Article 74 of the Rules of Court, the indication of the following provisional measures:

"In order to safeguard the rights of each of the Parties, they shall abstain in the disputed area from any act or action of any kind whatever, during the whole duration of the proceedings until the decision is given by the Court."

B. Two scientific sessions hosted by the United Nations Office for Ocean Affairs and the Law of the Sea 1/

The collection of oceanographic data and information, marine information management and national data management activities are among the areas to be considered at two scientific sessions this month at which the United Nations Office for Ocean Affairs and the Law of the Sea will be the host at Headquarters. The meetings, organized by the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), will be held on 15 and 16 January, and later on 17 to 24 January.

Both sessions are being convened by the Oceanographic Commission under its programme to promote international co-operation in the field of marine science. At the first meetings, a number of specialized scientific subjects, including global temperature salinity, will be taken up. The results of the workshop will be presented to the Technical Committee on International Oceanographic Data and Information Exchange, a subsidiary of the Commission, which will conduct the second series of meetings from 17 to 24 January.

The two sessions are expected to help focus attention on the growing importance of ocean resources and the role that data and information collection could play in the proper utilization of those resources. Management of resources, enforcement of regulations and settlement of disputes have been identified as areas that could be enhanced by the collection of additional information.

In addition, information and data benefit oceanographic research, climate and weather services, maritime transportation, national security and energy concerns.

The two meetings are designed to assess, among other things, participation in global ocean science programmes and the status of global oceanographic information and data exchanges.

An estimated 75 specialists who are expected to participate represent some 30 Governments, as well as several United Nations and other intergovernmental and non-governmental agencies and organizations.

1/ See United Nations Press Release SEA/1093 UNESCO/2525 of 12 January 1990.

Courtesy of Law of the Sea Bulletin